REMARKS

This Application has been carefully reviewed in light of the Office Action mailed June 20, 2007. Claims 1-4, 6-14, 19-31, and 34-36 are pending in the Application and Claims 1-4, 6-14, 19-31, and 34-36 are rejected. New Claims 37-39 have been added. Applicant respectfully requests reconsideration and favorable action for all pending claims in view of the following remarks.

Rejections Under 35 U.S.C. § 112

The Office Action rejects Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action contends that the limitations "isolating the delay timer from the network" and "the communication module including a delay timer" of Claims 1, 19, and 24 are unsupported by the Specification. *See Office Action*, Page 5. Applicant respectfully traverses these rejections for the reasons described below.

35 U.S.C. § 112, first paragraph, states: "The specification shall contain a written description of the invention, and of the manner and process or making and using it, in such full, clear, concise and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most clearly connected, to make and use the same. . ." "To satisfy the written description requirement, a patent specification must describe the claimed invention in sufficient detail that one skilled in the art can reasonably conclude that the inventor had possession of the claimed invention." *See* M.P.E.P. § 2163(I).

Applicant respectfully submits that given the Specification and Figures, one skilled in the art would reasonably conclude that the Applicant had possession of a communication module comprising a delay timer operable to be isolated from a network, as described in Claims 1, 19, and 24. For example, Figure 1 and Pages 7-11 of the Specification clearly describe delay timer 103 as part of communication module 101 and that delay timer 103 may be isolated from the network in conjunction with isolating communication module 101 from the network.

The Office Action contends that "[l]ooking exclusively at figure 1, there is no suggestion within the drawing that communication module 101 encompasses delay timer module 103," but Applicant respectfully submits that exclusively considering the Figures constitutes clear procedural error. M.P.E.P. § 2163(III)(B) requires the Examiner to consider **the whole record** to determine whether the written description requirement is satisfied.

For example, if the Examiner considered **the whole record** as required by the M.P.E.P., the Examiner would recognize the Specification describes those modules that are operably coupled to communication module 101 in Figure 1. For example, Page 7, lines 26-29 of the Specification clearly describes that in Figure 1, communication module 101 is "operably coupled to a processor 102 via data bus 107." Therefore, not only does the Specification explicitly describe those elements that communication module 101 includes ("Communication module 101 includes . . . a delay timer 103 that includes a delay time interval" at Page 7, lines 29-31 of the Specification), the Specification explicitly describes those elements that are coupled to communication module 101, and **delay timer 103 is not described as coupled to communication module 101** in the portion of the Specification corresponding to Figure 1.

Moreover, Applicant respectfully submits that by exclusively considering Figure 1, without the benefit of the description of Figure 1 in the Specification, the Examiner appears to have mistakenly arrived at the incorrect conclusion that delay timer 103 is independent from, and coupled to, communication module 101. For example, the Office Action argues on Page 3 that the "two distinct and separate boxes contain the two pieces, situated side by side and not within one another" led the Examiner to conclude that the delay timer 103 and communication module 101 are operably coupled, but this is incorrect. The Examiner fails to recognize that one of ordinary skill in the art would recognize that the irregularly shaped box 101 in Figure 1 illustrates communication module 101 including delay timer 103 and communication port 104. Further, as explained above, Page 7, lines 29-31 of the Specification clearly describe communication module 101 as **including** a delay timer 103. Thus, it cannot be disputed that the Specification supports an embodiment in which delay timer 103 is included within communication module 101, whether or not the Specification also supports another embodiment in which the delay timer is not included within the communication module 101.

Even assuming for the sake of argument that delay timer 103 and communication module 101 are illustrated as two separate and distinct boxes, communication port 104 and communication module 101 are also illustrated as two separate and distinct boxes in Figure 1. However, the Specification clearly describes that in Figure 1 "[c]ommunication module 101 includes a communication port 104." *See* Specification, Page 7, lines 29-31. Certainly, the Examiner cannot reasonably conclude that communication module 101 does not include communication port 104, even if they are illustrated as two distinct and separate boxes

(which Applicant does not concede). Therefore, it is also unreasonable to conclude that communication module 101 does not include delay timer 103.

For at least these reasons, Applicant respectfully submits that the Specification describes the claimed invention in sufficient detail such that one skilled in the art can reasonably conclude that the Applicant had possession of the claimed invention, thus satisfying the written description requirement of 35 U.S.C. § 112. Therefore, Applicant respectfully requests that the rejection of Claims 1-4, 6-14, 19-31, and 34-36 under 35 U.S.C. § 112, first paragraph, be withdrawn.

Rejections Under 35 U.S.C. § 102 and § 103

The Office Action rejects Claims 1-4, 6-9, 11, 19, 21, 24, 25, 28, 30, 31, and 34-36 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,892,901 issued to Landwehr et al. (*"Landwehr"*). The Office Action rejects Claims 10, 20, and 27 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr,* and further in view of U.S. Patent No. 6,185,615 issued to Namma et al. (*"Namma"*). The Office Action rejects Claims 12-14, 22, and 23 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr,* and further in view of *Namma* and U.S. Patent No. 6,249,681 issued to Virtanen (*"Virtanen"*). The Office Action rejects Claim 26 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr,* and further in view of *Virtanen.* The Office Action rejects Claim 29 under 35 U.S.C. 103(a) as being unpatentable over *Landwehr,* and further in view of U.S. Patent No. 5,495,480 issued to Yoshiba (*"Yoshiba"*). Applicant respectfully traverses these rejections for the reasons described below.

Applicant respectfully reminds the PTO that in order for a reference to anticipate a claim "[t]he identical invention *must* be shown in as *complete detail* as is contained in the . . . claim." *Richardson v. Suzuki Motor Co.*, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989) (emphasis added). With this threshold requirement in mind, Applicant submits that the Office Action has failed to establish a *prima facie* case of anticipation, using *Landwehr.*

Claim 1 is allowable at least because *Landwehr* does not teach or suggest "comparing the delay time interval to an activity associated with the system communicating with the network, the activity being any communication between the system and the network" and "isolating the communication module **and the delay timer** from the network based on the comparison" (emphasis added). The Office Action alleges that the delay timer is part of the

system that is isolated in *Landwehr*, but this is incorrect. Instead, Column 5, lines 29-34 of *Landwehr* **identifies the delay timer as being part of detector 18 as follows:**

> In this manner, detector 18 generates a plurality of timing periods which are available to detector 18, e.g. the idle time period and time period to shutdown described above. These, together with the counter in processor 20, constitute the timer of detector 18.

A similar argument to the above was previously presented. *See* Response filed on November 10, 2006. The Office Action does not respond to that argument. Instead, the Office Action repeats the previous rejection, recites a previous version of Claim 1, and cites Column 3, lines 4-6 and Column 3, lines 26-28 of *Landwehr*. *See Office Action*, Page 6. Not only is this procedurally deficient, but it is incorrect because at no point does *Landwehr* teach isolating **the delay timer taught as part of detector 18**. Instead, the cited portions state "[i]nterlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28," and "FIG. 2 illustrates a preferred way to operate the system of FIG. 1. Initially, interlock 32 is set to isolate circuit 28 from communication line 30 and circuit 28 is shut down." These portions clearly do not disclose that the delay timer is isolated. Thus, at no point does *Landwehr* teach or suggest isolating the communication module and the delay timer from the network.

For at least these reasons, Claim 1 is allowable, as are all claims depending therefrom. Claims 19 and 24 are allowable for analogous reasons, as are all claims depending therefrom. Reconsideration and favorable action are requested.

Claims 34, 35, and 36 are also allowable at least because *Landwehr* does not teach or suggest "wherein the network implements a TCP/IP transport language protocol." The Office Action cites Column 2, line 61 - Column 3, line 7 in rejecting this claim. Again, the Office Action is incorrect. The cited portion is completely devoid of any mention of a network implementing a TCP/IP language protocol, reciting in its entirety:

> Detector 18 communicates to third circuit 28, and via link 2,6 to electronic interlock 32. Communication line 30 permits circuit 28 to communicate to one or more external circuits 33, with arrows 31a and 31b indicating that the communication between circuits 28 and 33 may be bi-directional. Interlock 32 is disposed to selectably permit or block communication along line 30 and may also disconnect power from circuit 28. Data line 30 may, of course, be a plurality of wires, data links, multiplexed lines, etc.

From the above recitation, it is clear that no mention is made of isolating a network implementing a TCP/IP transport language protocol. Instead, *Landwehr* is directed to a system that isolates devices such as a keyboard and mouse. *See Landwehr* Column 4, lines

1-5. Applicant respectfully submits that one would not be motivated to modify the keyboard and mouse devices of *Landwehr* to communicate over a network implementing a TCP/IP transport language protocol. For at least these reasons, Claims 34, 35, and 36 are allowable. Reconsideration and favorable action are requested.

New Claims

Applicant hereby provides support for new Claims 37-39. Support for Claim 37 may be found at least in Figure 3 and at and at Page 13, line 28 - Page 15 line 22 of the Specification. In particular, that portion of the Specification describes the following limitations as recited in Claim 37:

receiving, at a communication module, a plurality of TCP/IP packets from a remote network location (as an example only, and not by way of limitation, see Page 10, lines 10-21; Page 14, lines 1-5);

detecting a period of inactivity between the remote network location and the communication module (as an example only, and not by way of limitation, see Page 10, lines 10-21; Page 14, lines 1-5);

initializing a delay timer to monitor the period of inactivity, the delay timer including a delay time interval (as an example only, and not by way of limitation, see Page 14, lines 1-21);

determining that the period of activity exceeds the delay time interval (as an example only, and not by way of limitation, see Page 14, lines 1-21);

storing a network reference operable to identify the remote network location (as an example only, and not by way of limitation, see Page 14, line 21 - Page 15 , line 22); and

isolating the communication module from the remote network location without terminating all power supplied to the communication module (as an example only, and not by way of limitation, see Page 14, line 21 - Page 15 , line 22).

Support for Claims 38 and 39 may be found in the disclosure of the patent at least in Figure 3 and at and at Page 13, line 28 - Page 15 line 22 of the Specification. For example, Page 15, lines 14-22 describes "re-establishing the connection between the communication module and the remote network location" and "accessing the remote network location from the communication module using the stored network reference," as recited in Claim 38. As another example, Page 15, line 4-9 describes "receiving a plurality of TCP/IP packets from a software application hosted at the remote network location," as recited in Claim 39.

New Claim 37 is allowable at least because the cited references do not teach or suggest "receiving, at a communication module, a plurality of TCP/IP packets from a remote network location." *Landwehr*, for example, does not teach or suggest receiving TCP/IP packets. Instead, as described above *Landwehr* is directed to a system that isolates devices such as a keyboard and mouse. *See Landwehr* Column 4, lines 1-5. Applicant respectfully submits that one would not be motivated to modify the keyboard and mouse devices of *Landwehr* to communicate over TCP/IP packets. For at least these reasons, Claims 37 is allowable as are dependent Claims 38 and 39. Reconsideration and favorable action are requested.

CONCLUSION

Applicant has now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other apparent reasons, Applicant respectfully requests allowance of all pending claims.

If the Examiner feels that prosecution of the present Application may be advanced in any way by a telephone conference, the Examiner is invited to contact the undersigned attorney at 214-953-6447.

Applicant believes no fees are due. Nonetheless, the Commissioner is hereby authorized to charge any other fees and/or credit any overpayment to Deposit Account No. 02-0384 of Baker Botts L.L.P.

Respectfully submitted,

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